

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 13-13186-RWZ

WILLIAM R. RABIDEAU, JR.

v.

RAYMOND MARCHILLI, SUPERINTENDENT

ORDER

ZOBEL, D.J.

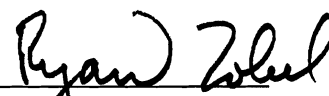
1. The motion for leave to proceed in forma pauperis (#3) is DENIED, as the petitioner has enough funds to pay the \$5.00 filing fee. The petitioner must pay the \$5.00 filing fee within thirty-five (35) days of the date of this order. Failure to do so may result in dismissal of this action without prejudice.

2. The motion for appointment of counsel (#2) is DENIED WITHOUT PREJUDICE. Under the Criminal Justice Act, the Court may appoint counsel for a “financially eligible” habeas petitioner if “the interests of justice so require.” 18 U.S.C. § 3006A(a)(2). In addition, if the Court decides to conduct an evidentiary hearing on the petition, the interests of justice will require appointment of counsel. See Rule 8(c) of the Rules Governing Section 2254 Cases. Here, the interests of justice do not require the appointment of counsel at this early stage. The petitioner may renew his request after the respondent has filed an answer or other response to the petition. If the petitioner renews the motion, he may rely on the financial representations made in

his motion for leave to proceed in forma pauperis (#3).

SO ORDERED.

12/26/13
DATE


RYAN W. ZOBEL
UNITED STATES DISTRICT JUDGE